



Docket No.: R2180.0190/P190
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Takaaki Negoro et al.

Application No.: 10/780,699

Confirmation No.: 2014

Filed: February 19, 2004

Art Unit: 2814

For: METAL OXIDE SILICON TRANSISTOR
AND SEMICONDUCTOR APPARATUS
HAVING HIGH LAMBDA AND BETA
PERFORMANCES

Examiner: P. X. Cao

RESPONSE TO RESTRICTION REQUIREMENT

MS Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In response to the restriction requirement set forth in the Office Action mailed September 30, 2005, applicants hereby provisionally elect the species designated as Group I, claims 1-8, for prosecution on the merits. This election is made with traverse.

Claims 1-16 are pending. Restriction is said to be required between Groups I-VI, described in the Office Action as follows:

Group I (claims 1-8) – a MOS transistor structure.

Group II (claims 9-10) – a current mirror circuit connections.

Group III (claim 11) – a reference voltage generation circuit connections.

Group IV (claims 12 and 15) – a voltage detection circuit connections.

Group V (claims 13 and 16) – a constant current circuit connections.

Group VI (claim 14) – a ring oscillator connections.

In general, inventions as claimed must be independent or distinct before a requirement for restriction can be supported. MPEP § 806. Applicants note that claims 2-16 depend directly or indirectly from claim 1. Claims 1-16 are connected by the “semiconductor apparatus including a MOS transistor” recited in claim 1. The inventions as claimed are not independent; they are related. MPEP § 806.06.

To support a requirement for restriction between two or more related product inventions, both two-way distinctness and reasons for insisting on restriction are necessary. The Office Action provides none of the showings necessary: no showing of two-way distinctness and no showing of reasons for insisting on restriction.

The burden is on the examiner to provide an example to support the determination that the inventions are distinct. MPEP § 806.05(j). This burden has not been met.

In addition, the Office Action contains the assertion that no claim is generic. Applicants respectfully disagree: Claim 1 is generic to claims 2-16. Applicants note again that claims 2-16 depend directly or indirectly from claim 1. If claim 1 is allowable, all of the dependent claims 2-16 will be allowable for at least the same reasons.

Applicants respectfully urge that the restriction requirement be withdrawn.
Prompt examination on the merits of all pending claims 1-16 is requested.

Dated: November 21, 2005

Respectfully submitted,

By 

Thomas J. D'Amico

Registration No.: 28,371

Peter F. McGee

Registration No.: 35,947

DICKSTEIN SHAPIRO MORIN &

OSHINSKY LLP

2101 L Street NW

Washington, DC 20037-1526

(202) 785-9700

Attorneys for Applicant